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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/760,282

01/12/2001

Koichi Ito

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27572

7590

04/29/2004

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EXAMINER

FORD, JOHN K

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 04/29/2004

*14*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/760,282

Applicant(s)

Ito et al.

Examiner

FORD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12-17-03
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 11, 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 10, 12, 14, 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Applicant's response of December 17, 2003 (verified translation of JP 2000-9966) has been received. Accordingly as to the claimed subject matter, subject to the 35 USC 112, second paragraph, rejections below, applicants are entitled to priority back to January 13, 2000 as to the currently claimed subject matter. Specifically JP 2000-43536 and JP 2000-43537 have been removed from consideration via the perfection of the claim for priority.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 10, 12, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, it is unclear which "edge" of openings 22 and 23 in Figure 3 of applicant's Figures is being claimed. Is it one of the "edges" parallel to the door sliding direction or one of the edges perpendicular to the door sliding direction?

It makes a difference in terms of what prior art will be used in a rejection. In claim 1, line 5, a "grill member" (singular) is claimed and in claim 1, line 10 "grill members" (plural) are claimed. The inconsistency influences what prior art will be used in a rejection. In claim 1, line 6 (twice), line 11 and probably the penultimate line "door" should read -- door plate -- to be consistent with the written disclosure. The Examiner, in the last line of claim 1, doesn't understand what previous limitation in claim 1, "in a perpendicular direction" is associated with. Is it the spacing, the edge of the opening, the door, or an end portion of the air passage that "in a perpendicular direction" is

associated with? Since no "direction" was ever defined previously in claim 1, what does "in a perpendicular direction" actually mean? It has to be measured relative to some frame of reference. It is unclear, as written.

In addition to as many of the aforementioned vagaries described in reference to claim 1 as are applicable to claim 4, claim 4 has its own unique incongruities. In claim 4, line 3, the recitation "the sliding door comprising" should probably be deleted, because the grill member is part of the opening not part of the sliding door. In claim 4, line 8, the film member only presses against one end face (not "faces") of a grill member, correct? The problem repeats itself in claim 4, line 12 (i.e. "end facess of the grill member").

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 11-254944 Yamaguchi (5,899,262) and either one of Danieau '733 or Danieau '355.

JP'944 teaches an opening (22 or 23) with a single grill member bisecting it. A sliding door 26 is shown with a frame 26a and a film member 26b. No elastic pressing means is shown. The reference doesn't explicitly disclose openings in frame 26a for permitting draft pressure to act on the film but these are deemed inherent. Regarding this last mentioned deficiency, if it exists, Yamaguchi teaches draft apertures 24a-24d in a frame similar to that of JP '944 which would have been obvious to use to seat the film

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properly and attain a good seal, even if such apertures are not inherently disclosed in JP '944.

Either of the Danieau references ('733 or '355) teaches three elastic pressing means for advantageously keeping a film door from creasing and making noise. To have added three elastic pressing means to JP '944 for pressing the film at the edges and the grill portion of the JP'944 reference in the manner taught by either of the Danieau references would have been obvious to one of ordinary skill.

Claim12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim1 above, and further in view of JP 5-280802.

Similarly, JP 5-280802, another Denso assigned publication, apparently sharing an inventor with current inventive entity teaches using a slight radius (i.e. raised center portion in Figure 2, relative to the edge portions 2a) to diminish friction-generated noise. To have radiused the support grid of JP '944 in the manner taught by JP 5-280802 to reduce friction noise would have been obvious.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



**John K. Ford**  
**Primary Examiner**

Ford/DI

March 23, 2004